

# **EXHIBIT 3**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BARKAN WIRELESS ACCESS  
TECHNOLOGIES, L.P.,

*Plaintiff,*

v.

CELLCO PARTNERSHIP (DBA VERIZON  
WIRELESS), VERIZON  
COMMUNICATIONS INC.,

*Defendants.*

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Case No. 2:16-CV-00293-JRG-RSP

**ORDER**

Before the Court is Plaintiff's motion to compel Defendant Verizon's discovery response. Dkt. No. 39. The Certificate of Conference attached to the motion does not reflect that the parties have met and conferred in a manner compliant with Local Rule 7(h). The motion to compel is therefore **DENIED** without prejudice. Plaintiff may refile the motion if the dispute remains unresolved after the requisite Rule 7(h) conference.

**SIGNED this 27th day of February, 2017.**

  
ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE